SAMPLE OF STATE CONSISTENCY REVIEW

Comments from the Maryland Department of Environment's Technical and Regulatory Services Administration

Consistency with Total Maximum Daily Loads (TMDLs)

Review Finding: The <Location> Sub-Area Plan (<reference number>) is found to be R1: Consistent with Qualifying Comments.

Section 303(d) of the federal Clean Water Act requires the State to identify impaired waters and establish Total Maximum Daily Loads (TMDLs) for the substances causing the impairments. A TMDL is the maximum amount of a substance that can be assimilated by a waterbody such that it still meets water quality standards.

The <Location> Sub-Area Plan should take into account consistency with the following TMDLs:

"Total Maximum Daily Loads (TMDLs) of <Impairing Substance(s)> for <Waterbody Name> in <County>, Maryland" (Submitted the US EPA on<Date>, and Currently under review.)

"TMDLs of <Impairing Substance(s)> for<Waterbody Name>, <County>" (Approved by the US EPA on<Date>).

These TMDL documents are available at:
www.mde.state.md.us/Programs/WaterPrograms/TMDL/Sumittals/index.asp

Land use planning should reflect the necessary limits on pollutant loads. Techniques now exist to support land development that minimizes the generation of the pollutants that are impairing our waters. It will be in the interest of local jurisdictions to adopt these techniques to optimize growth in a manner that is consistent with TMDLs and the Tributary Strategies for nutrient reduction developed under the 2000 Chesapeake Bay Agreement.

Examples of planning techniques that consider TMDLs:

- Consider alternatives to surface water discharges, where applicable. For example, consider identifying land for future spray irrigation of treated municipal waste if the direct discharge of effluent to a stream could become limited by a TMDL or the Bay Agreement nutrient allocations.
- Consider land use planning that will maximize the preservation of forested land, which contributes the least amount of nutrient loading per acre.
- Consider giving priority to site designs that minimize impervious area and nutrient loads per unit of development.

For more general guidance:
http://www.epa.gov/water/yearofcleanwater/docs/growthwater.pdf

For more MDE guidance, contact Jim George (410) 537-3902